

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 461

Citations Affected: IC 4-22-2.1-6; IC 4-23-7.3; IC 5-21; IC 5-22-22-4.5; IC 9-14-3-5; IC 9-29-2-2.

Synopsis: GIS data standards. Conference committee report for ESB 461. Repeals the law establishing the intelenet commission. Requires the office of technology to assume the functions of the intelenet commission. Creates the position of state Geographic Information Systems (GIS) officer to be appointed by the governor. Requires the state GIS officer to adopt or veto the GIS data standards and the statewide data integration plan recommended by IGIC. Provides that the state data center of the state library shall be the state's depository for GIS data. Assigns duties to the state GIS officer and the state data center in implementing and enforcing the state GIS data standards. Provides that a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state. Provides that the state GIS officer may require, as a condition of a data exchange agreement, that a political subdivision follow the GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data provided by the state. Prohibits the IGIC, the state GIS officer, or the state data center from recommending or restricting standards for GIS hardware or software that a proprietary vendor provides to a political subdivision. Provides that the "Buy Indiana Presumption" shall be observed in all procurement decisions related to the state GIS data standards. **(This conference committee report removes the requirement that the individual appointed as the state GIS officer be nominated by the IGIC. States qualifications for the individual appointed state GIS officer. Makes several changes relating to the duties of the state GIS officer. States additional conditions for the sale of data by state educational institutions. The report provides that the publication and access requirements of the statute do not supersede the state public records law. Revises the definition of IGIC. Makes other technical changes.)**

Effective: July 1, 2007.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 461 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-22-2.1-6, AS ADDED BY P.L.188-2005,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]: Sec. 6. (a) Not later than seven (7) days before the date
- 5 of the public hearing set forth in the agency's notice under
- 6 IC 4-22-2-24, the corporation shall do the following:
- 7 (1) Review the proposed rule and economic impact statement
- 8 submitted to the corporation by the agency under section 5(c) of
- 9 this chapter.
- 10 (2) Submit written comments to the agency on the proposed rule
- 11 and the economic impact statement prepared by the agency under
- 12 section 5 of this chapter. The corporation's comments may:
- 13 (A) recommend that the agency implement one (1) or more of
- 14 the regulatory alternatives considered by the agency under
- 15 section 5(a)(5) of this chapter;
- 16 (B) suggest regulatory alternatives not considered by the
- 17 agency under section 5(a)(5) of this chapter;
- 18 (C) recommend any other changes to the proposed rule that
- 19 would minimize the economic impact of the proposed rule on
- 20 small businesses; or
- 21 (D) recommend that the agency abandon or delay the
- 22 rulemaking action until:

- (i) more data on the impact of the proposed rule on small businesses can be gathered and evaluated; or
- (ii) less intrusive or less costly alternative methods of achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses.

(b) Upon receipt of the corporation's written comments under subsection (a), the agency shall make the comments available:

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3;
- (2) electronically through the electronic gateway administered **under IC 4-13.1-2-2(a)(5) by the internet commission; office of technology;** and
- (3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under IC 4-22-2-27, the agency must fully consider the comments submitted by the corporation under subsection (a). After considering the comments under this subsection, the agency may:

- (1) adopt any version of the rule permitted under IC 4-22-2-29; or
- (2) abandon or delay the rulemaking action as recommended by the corporation under subsection (a)(2)(D), if applicable.

SECTION 2. IC 4-23-7.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 7.3. Indiana GIS Mapping Standards

Sec. 1. As used in this chapter, "data exchange agreement" means an agreement concerning the exchange of any GIS data or framework data.

Sec. 2. As used in this chapter, "electronic map" has the meaning set forth in IC 5-14-3-2(d).

Sec. 3. (a) As used in this chapter, "framework data" means common electronic map information for a geographic area.

(b) The term includes the following:

- (1) Digital orthophotography.**
- (2) Digital cadastre.**
- (3) Public land survey system.**
- (4) Elevation.**
- (5) Geodetic control.**
- (6) Governmental boundary units.**
- (7) Water features.**
- (8) Addresses.**
- (9) Streets.**

Sec. 4. As used in this chapter, "fund" refers to the Indiana mapping data and standards fund established by section 19 of this chapter.

Sec. 5. As used in this chapter, "GIS" refers to geographic information systems.

Sec. 6. As used in this chapter, "IGIC" refers to the nonprofit entity known as the Indiana Geographic Information Council, or its successor organization.

Sec. 7. As used in this chapter, "political subdivision" has the

1 meaning set forth in IC 36-1-2-13.

2 Sec. 8. As used in this chapter, "state agency" has the meaning
3 set forth in IC 4-13-1-1.

4 Sec. 9. As used in this chapter, "state data center" refers to the
5 state data center established under IC 4-23-7.1.

6 Sec. 10. As used in this chapter, "state GIS officer" refers to the
7 individual appointed under section 13 of this chapter.

8 Sec. 11. As used in this chapter, "statewide base map" means an
9 electronic map of Indiana consisting of framework data for
10 Indiana.

11 Sec. 12. As used in this chapter, "statewide data integration
12 plan" means a plan:

13 (1) to integrate GIS data and framework data developed and
14 maintained by different units of the federal, state, and local
15 government into statewide coverage of framework data; and

16 (2) that includes details for:

17 (A) an inventory of existing data;

18 (B) stakeholder data requirements;

19 (C) identification of data stewards;

20 (D) data standards and schema, costs, work flow, data
21 transfer mechanisms, update frequency, and maintenance;
22 and

23 (E) identification of appropriate data sharing policies and
24 mechanisms to facilitate intergovernmental data exchange,
25 such as data exchange agreements.

26 Sec. 13. (a) The governor shall appoint an individual as the state
27 GIS officer.

28 (b) The individual appointed by the governor must be an
29 experienced geography and mapping professional who has:

30 (1) extensive knowledge of the principles, practices,
31 terminology, and trends in GIS, spatial data, analysis, and
32 related technology; and

33 (2) experience in administration, project management, policy
34 development, coordination of services, and planning.

35 Sec. 14. The state GIS officer shall do the following:

36 (1) Function as the chief officer for GIS matters for state
37 agencies.

38 (2) Review and either veto or adopt both the:

39 (A) state's GIS data standards; and

40 (B) statewide data integration plan;

41 as recommended by the IGIC. If either of the
42 recommendations is vetoed, the state GIS officer shall return
43 the recommendation to the IGIC with a message announcing
44 the veto and stating the reasons for the veto. If the IGIC
45 ceases to exist or refuses to make the recommendations listed
46 in this subsection, the state GIS officer may develop and adopt
47 state GIS data standards and a statewide data integration
48 plan. The standards and the plan adopted under this
49 subsection must promote interoperability and open use of
50 data with various GIS software, applications, computer
51 hardware, and computer operating systems.

(3) Act as the administrator of:

(A) the state standards and policies concerning GIS data and framework data; and

(B) the statewide data integration plan.

(4) Enforce the state GIS data standards and execute the statewide data integration plan adopted under subdivision (2) through the use of:

(A) GIS policies developed for state agencies; and

(B) data exchange agreements involving an entity other than a state agency.

(5) Coordinate the state data center's duties under this chapter.

(6) Act as the state's representative for:

(A) requesting grants available for the acquisition or enhancement of GIS resources; and

(B) preparing funding proposals for grants to enhance coordination and implementation of GIS.

(7) Review and approve, in accordance with the statewide data integration plan, the procurement of GIS goods and services involving the state data center or a state agency.

(8) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the chair of a committee formed with the IGIC as the state names authority for Indiana.

(9) Publish a biennial report. The report must include the status and metrics on the progress of the statewide data integration plan.

(10) Represent the state's interest to federal agencies regarding the National Spatial Data Infrastructure.

(11) Serve as the state's primary point of contact for communications and discussions with federal agencies regarding framework data, spatial data exchanges, cost leveraging opportunities, spatial data standards, and other GIS related issues.

(12) Facilitate GIS data cooperation between units of the federal, state, and local governments.

(13) Promote the development and maintenance of statewide GIS data and framework data layers associated with a statewide base map.

(14) Approve and maintain data exchange agreements to which the state data center or a state agency is a party to increase the amount and quality of GIS data and framework data available to the state.

(15) Use personnel made available from state educational institutions to provide technical support to the:

(A) state GIS officer in carrying out the officer's duties under this chapter; and

(B) IGIC.

Sec. 15. The publication and access requirements of this chapter do not apply to data that would otherwise be exempt from public disclosure under IC 5-14-3-4(b)(19).

1 **Sec. 16. With money from the fund, the state GIS officer,**
 2 **through the data center, the IGIC, and the other organizations,**
 3 **shall do the following:**

4 **(1) Ensure that there are adequate depositories of all GIS data**
 5 **and framework data obtained by a state agency.**

6 **(2) Acquire, publish, store, and distribute GIS data and**
 7 **framework data through the computer gateway administered**
 8 **under IC 4-13.1-2-2(a)(5) by the office of technology and**
 9 **through the state data center. The state GIS officer may also**
 10 **provide access through the IGIC and other entities as directed**
 11 **by the state GIS officer.**

12 **(3) Integrate GIS data and framework data developed and**
 13 **maintained by state agencies and political subdivisions into**
 14 **the statewide base map.**

15 **(4) Maintain a state historical archive of GIS data, framework**
 16 **data, and electronic maps.**

17 **(5) Except as otherwise provided in this chapter, provide**
 18 **public access to GIS data and framework data in locations**
 19 **throughout Indiana.**

20 **(6) Provide assistance to state agencies and political**
 21 **subdivisions regarding public access to GIS data and**
 22 **framework data so that information is available to the public**
 23 **while confidentiality is protected for certain data from**
 24 **electronic maps.**

25 **(7) Develop and maintain statewide framework data layers**
 26 **associated with a statewide base map or electronic map.**

27 **(8) Publish and distribute the state GIS data standards and**
 28 **the statewide data integration plan adopted under section**
 29 **14(2) of this chapter.**

30 **(9) Subject to section 20 of this chapter, make GIS data,**
 31 **framework data, and electronic maps available for use by the**
 32 **Indiana Business Research Center.**

33 **Sec. 17. The state GIS officer shall coordinate with state**
 34 **educational institutions to do the following:**

35 **(1) Promote formal GIS education opportunities for full-time**
 36 **and part-time students.**

37 **(2) Provide informal GIS learning opportunities through a**
 38 **series of seminars and noncredit concentrated classes**
 39 **provided throughout Indiana.**

40 **(3) Coordinate research assets for the benefit of Indiana by**
 41 **maintaining inventories of the universities' academic and**
 42 **technical GIS experts, data and technology resources as**
 43 **provided by the universities, and research interests for**
 44 **collaboration to pursue research grant opportunities.**

45 **(4) Implement an outreach network to Indiana political**
 46 **subdivisions to enhance communication and data sharing**
 47 **among state government, political subdivisions, and the**
 48 **business community.**

49 **Sec. 18. (a) Except as provided in subsection (b), a state**
 50 **educational institution may not bid on contracts to provide**
 51 **photogrammetry services or framework layer data conversion**

services for the benefit of a state agency or political subdivision. This section shall not be construed to prohibit the purchase of any of the following by a state agency or political subdivision from a state educational institution:

(1) GIS data or framework data.

(2) Data previously created by the state educational institution as part of the educational, research, or service mission of the state educational institution.

(b) If there is a lack of qualified bids on contracts referred to in subsection (a) by entities other than state educational institutions, the state agency or political subdivision may, with the advice of the state GIS officer, solicit bids from state educational institutions.

Sec. 19. (a) The Indiana mapping data and standards fund is established for the following purposes:

(1) Funding GIS grants.

(2) Administering this chapter.

(b) The fund consists of the following:

(1) Appropriations made to the fund by the general assembly.

(2) Gifts, grants, or other money received by the state for GIS purposes.

(c) The state GIS officer shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 20. (a) Except as provided in subsections (b), (c), and (d), a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state through a data exchange agreement entered into under this chapter.

(b) A political subdivision may agree, through a provision in a data exchange agreement, to allow the sale, exchange, or distribution of GIS data or framework data provided to the state.

(c) Subsection (a) does not apply to data that is otherwise required by state or federal law to be provided by a political subdivision to the state or federal government.

(d) As a condition in a data exchange agreement for providing state GIS data or framework data to a political subdivision, the state GIS officer may require the political subdivision to follow the state GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data as provided by the state.

Sec. 21. (a) Nothing in this chapter shall be construed to permit the IGIC, the state GIS officer, or the state data center to recommend or restrict standards for GIS hardware or software that a proprietary vendor provides to any political subdivision.

(b) It is the intent of the general assembly in enacting this

chapter to promote high technology enterprise and employment within Indiana. To the extent practicable, the "Buy Indiana Presumption" required by Executive Order 05-05, shall be observed with respect to all procurement decisions related to this chapter, so long as Executive Order 05-05 is in effect.

Sec. 22. The publication and access requirements of this chapter do not supersede IC 5-14-3.

SECTION 3. IC 5-22-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:

(1) The site is approved by the ~~intelenet commission~~; **office of technology established by IC 4-13.1-2-1.**

(2) The site is linked to the electronic gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission~~; **office of technology.**

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus property to be sold.

(c) The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.

SECTION 4. IC 9-14-3-5, AS AMENDED BY P.L.210-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21~~; **office of technology;**

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 5. IC 9-29-2-2, AS AMENDED BY P.L.210-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The fee to obtain information regarding vehicle titles under IC 9-14-3-5 is:

- (1) four dollars (\$4) for each record requested in writing; and
- (2) a fee to be determined by the bureau not to exceed four dollars (\$4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5) by the intelenet commission under IC 5-21; office of technology;**

plus any service fee charged by the ~~intelenet commission~~ **office of technology established by IC 4-13.1-2-1.**

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a record requested either:

- (1) in writing; or
- (2) electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5) by the intelenet commission under IC 5-21; office of technology;**

plus any service fee charged by the ~~intelenet commission~~ **office of technology established by IC 4-13.1-2-1.**

(c) The fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 6. IC 5-21 IS REPEALED [EFFECTIVE JULY 1, 2007].
(Reference is to ESB 461 as reprinted April 3, 2007.)

Conference Committee Report
on
Engrossed Senate Bill 461

Signed by:

Senator Ford
Chairperson

Representative Reske

Senator Mrvan

Representative Murphy

Senate Conferees

House Conferees